

RECEIVED
CENTRAL FAX CENTER

FEB 08 2007

PTO/SB/97 (09-08)

Approved for use through 03/31/2007. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

USPTO Fax No.: (571) 273-8300

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on February 8, 2007

Date



Signature

Deborah M. Jones

Typed or printed name of person signing Certificate

302 992 4943

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

10/518324

BA9308USPCT - RESPONSE TO RESTRICTION REQUIREMENT

Page ____ of ____

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rev. 10/93

**RECEIVED
CENTRAL FAX CENTER**

FEB 08 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

ERIC DEGUYON TAYLOR

CASE NO.: BA9308USPCT

APPLICATION NO.: 10/518324

GROUP ART UNIT: 1624

CONFIRMATION NO.: 6745

FILED: DECEMBER 15, 2004

EXAMINER: KAHSAY HABTE

FOR: METHOD FOR PREPARING FUSED OXAZINONES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

By Office Action dated January 10, 2007 the above-referenced application has been made subject to a requirement to restrict. The Office Action maintained that the application contained three groups of inventions (Groups I, II and III as detailed in the Office Action) which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Office Action suggested inter alia that the special technical feature of Group I is a benzo[1,3]oxazinone ring and is different from the special technical feature of Groups II-III.

Applicant hereby elects Group I (claims 1-6, in part, and 7-9). However, reconsideration of the restriction requirement is respectfully requested. Applicant submits that all of the claims of this application are linked by a single general inventive concept: the process sequence represented by (1), (2) and (3) in Claim 1 that can be used in connection with the preparation of fused oxazinones as recited in that claim. Common structures involved in that sequence include a carboxylic acid, a sulfonyl chloride and a pyridine compound (optionally substituted) in (1), an *ortho*-amino aromatic carboxylic acid and a pyridine compound (optionally substituted) in (2) and additional sulfonyl chloride in (3). In addition, mole ratio aspects are recited. Applicant submits that the process sequence is not restricted to particular J and K groups among those within the scope of Claim 2. Applicant notes that while J and K represent groups on reactants used for the preparation of certain fused oxazinones as recited in Claim 2, they remain as the respective J and K groups on the product oxazinones that are prepared by the Claim 2 process. Accordingly, Applicant submits that the process sequence represented by (1), (2) and (3) in Claim 1 clearly represents a single general inventive concept that is not limited to a particular J and/or K as a special technical feature.

Application No.: 10/518324
Docket No.: BA9308USPCT

Page 2

In sum, claims 1 through 11 remain pending in the application. Examination of all of these claims in light of the comments above is respectfully solicited.

Respectfully submitted,



DAVID E. HEISER
ATTORNEY FOR APPLICANT
Registration No.: 31,366
Telephone: (302) 892-1926
Facsimile: (302) 892-7949

Dated: February 8, 2007

T:\Patent Documents\Ag Products\BA-93\BA-9308\BA9308\Response.doc